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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ERNEST D. BUFF ERNEST D. BUFF AND ASSOCIATES, LLC. 231 SOMERVILLE ROAD BEDMINSTER, NJ 07921			CHOI, PETER H	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,504	Applicant(s) ALVERSON ET AL.	
	Examiner Peter Choi	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Final Office action is response to Applicant's amendment filed March 15, 2006. Applicant's amendment amended claim 1. Currently, claims 1-13 are pending.

Response to Arguments

2. Applicant's arguments filed March 15, 2006 have been fully considered but they are not persuasive.

Applicant argues that the supplier evaluation system disclosed by Aycock et al. does not question or evaluate business and financial practices within the supplier's business, but rather the supplier evaluation system of Aycock et al. deals with technical specifications, price and availability, service and support, selected quality maturity requirements, production, distribution, serviceability, and reliability of products or services.

The Examiner respectfully disagrees. While the Applicant is correct regarding the metrics of evaluation presented by Aycock et al., the Examiner asserts that technical specifications, price and availability, service and support, selected quality maturity requirements, production, distribution, serviceability, and reliability of products or

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services are metrics used in the evaluation of business and financial practices of a contractor. The Examiner asserts that the term “business practice” is nebulous and that all operational activities are regarded as a “business practice” in lieu of a more specific definition. Thus, the quality, production and design control measures specifically presented by Aycock et al. are regarded to be directed towards “business practices” of the contractor.

Applicant argues that even if the evaluations provided by Aycock et al. indirectly evaluates financial practices, those evaluations cannot rise to the level necessary for predicated risk ranking in securing lines of credit.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., financial practices used to predicate risk ranking in securing lines of credit) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Evaluation of financial practices is not the sole factor used in determining lines of credit, nor is there any limitation in the claims enabling said evaluation to rise to the level necessary to secure lines of credit. Based on the claim language, the **grade of the contractor's rank** is used to determine an amount of credit to extend to the evaluated contractor [see claim 12]. The contractor's rank and grade is determined based upon an assessment of the

contractor's **business and financial practices** in comparison with industry standards [see claim 1e]. Thus, the amount of credit extended is directly related to the grade of the contractor's rank, and the rank is based on a combination of an assessment of business and financial practices in comparison with industry standards.

Applicant argues that the decline of a contractor is a gradual process, and thus, the measurement of metrics such as product availability, design production, and the like are insufficient in establishing risk assessment in the financial realm.

The Examiner respectfully disagrees regarding the insufficiency of product availability, design production, and the like in establishing risk assessment of contractors. The Examiner asserts that design, production, serviceability and reliability are metrics indicative of "business practices", and production and distribution are also (indirect) measures of financial practices. As presented above, the term "business practice" is nebulous and all operational activities are regarded as a "business practice" in lieu of a more specific definition. Thus, the quality, production and design control measures specifically presented by Aycock et al. are regarded to be directed towards "business practices" of the contractor. Similarly, the term "financial practice" is nebulous and all activities related to finances and revenue are regarded as a "financial practice" in lieu of a more specific definition. The Examiner asserts that measuring quality yields an indication of the amount of required rework, measuring production quantities yields the number of inventory turns (how frequently inventory must be replenished and at what

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quantity), measuring reliability yields information regarding the frequency of breakdowns, equipment failure and required maintenance, events that are each accompanied by costs. Therefore, quality, production and design controls measures are directed towards "financial practices". In addition, Aycock et al. teaches the use of a product database that may include additional fields related to the technical or fiscal parameters of the product [Column 10, lines 12-13]. GuruNet is also directed towards evaluating financial practices of a company.

Furthermore, there is no limitation in the claims requiring future decline in performance to be accounted for. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., accounting for future decline in the performance of contractors) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that neither Aycock et al., GuruNet, nor Bladen disclose on-location assessment means comprising the steps of asking questions to candidates selected through the mapping means and observing examples of the contractor's business practices and financial procedures.

The Examiner respectfully disagrees. Aycock et al. teaches the step of performing an on-site audit (on-location assessment means) to validate supplier responses to the RFP/RFQ (candidates are asked questions), either by performing actual tests on hardware equipment or software systems, and/or by reviewing the quality control procedures and processes at the supplier site (observe examples of the contractor's business practices and financial procedures) [Column 8, lines 27-31]. The supplier is presented with a series of interview-type questions directed to answering specific components of the RFP/RFQ questions in accordance with the selected quality maturity questions [Column 12, lines 47-50]. The RFP/RFQ questions themselves are directed towards a set of technical requirements that need to be met by prospective vendors [Column 1, lines 45-49, Column 3, lines 24-29] and are weighted corresponding to their relative sophistication or relevance to the project objective [Column 6, lines 19-54]; thus the RFP/RFQ questions are based on a "mapping" of the requirements.

Applicant argues that there is no direct questioning combined with direct observation in Aycock et al.

The Examiner respectfully disagrees. As stated above, the on-site audit taught by Aycock et al. includes the step of validating the supplier responses to the RFP/RFQ, either by performing actual tests on hardware equipment or software systems, and/or by reviewing the quality control procedures and processes at the supplier site [Column 8, lines 27-31]. In essence, the auditor "asks" a series of questions by requesting

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verification of supplier's responses to the RFP/RFQ, and makes "observations" by performing tests and/or reviewing procedures and processes at the supplier site.

Therefore, the on-site audit is considered to be a union of direct questioning and observation of the supplier site.

Applicant has challenged the Examiner's taking of Official Notice that:

- Independent third party administration of a survey and assessment
- Evaluations of a business can be used for a plurality of applications, such as establishing insurance premiums or loans of credit
- Certifications require renewal

The Examiner has provided the following articles in support of the takings of Official Notice challenged by the Applicant.

An article in the September 1994 issue of Wood & Wood Products, entitled, "Green Certification: Setting the Stage".

A March 14, 1996 article in Business Wire, entitled, "Digital Microwave Corporation Achieves ISO 9001-94 Registration".

Joseph Ruin's article in the June 24, 1998 edition of New Straits Times, entitled, "The 6Cs of Credit Risk Evaluation".

An article by Eric Hansen and John Panches in the January 1999 issue of Forest Products Journal, entitled, "Developing Markets For Certified Forest Products: A Case Study of Collins Pine Company".

An article by Dan Tratensek in the March 2001 issue of Do-It-Yourself Retailing, entitled, "A History of Service & Innovation".

A December 14, 2000 article in Business Wire, entitled, "CTS Corporation's Automotive Products Business Awarded ISO-9001/QS-9000 Certification Renewal".

A June 21, 2001 article in Business Wire, entitled, "Certification Recognizes World-Class Excellence of GeoQuest Customer Support for Third Consecutive Year".

A February 14, 2002 article in PR Newswire, entitled, "Boise Cascade's Minnesota Timberlands Certified Sustainable By Independent Audit".

Scott Greathead's article in the May 2002 issue of Chain Store Age Executive with Shopping Center Age, entitled, "Making it right: sweatshops, ethics and retailer responsibility".

An August 2, 2002 article in PR Newswire, entitled, "The Campbell Group Complies With New 2002-2004 Guidelines For Sustainable Forestry Initiative".

An October 24, 2002 article in Canada Newswire, entitled, "Twelve British Columbia Companies Among Finalists for 10th Annual Canada's 50 Best Managed Companies".

A June 10, 2003 article in PR Newswire, entitled, "Advanced Energy Receives ISO 9001: 2000 Certification by Fulfilling ISO's New Compliance Requirements".

Elisabeth Boone's article in the July 1992 issue of American Agent & Broker, entitled, "Zeroing In on Contractors".

Marla McIntyre's article in the July 2002 issue of American Agent & Broker, entitled, "Obtaining Surety Bonds in a Tightening Market".

Thomas Gorke's article in the November 1996 issue of Risk Management, entitled, "Guaranteeing Performance: The Role of Surety Bonds".

An article in the September 1, 2002 edition of CEE News, entitled, "Understanding Surety Bonding".

Upon further review of Aycock et al., the RFP/RFQ is administered and used for assessment by an independent third party.

“Vendor qualification typically involves the process of a purchasing agent identifying a set of technical requirements that need to be met. The purchasing agent may be a contracting department of the buying entity, or an independent agent acting on behalf of the buying entity” [Column 1, lines 45-56].

Regardless, the step of having independent third parties administer and assess surveys is old and well known in the art, which has been supported in the articles cited by the Examiner above.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "said mapping means" in limitation D. There is insufficient antecedent basis for this limitation in the claim. "Mapping means" were cited in limitation C; however, these mapping means are directed towards the answers provided to questionnaires. It is unclear if the "mapping means" of limitation D are

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directed towards the answers to the questionnaire (as in limitation C) or if it is directed towards the questions in order to select questions to ask candidates, or if it is directed towards the candidates themselves (to select what candidates to ask questions to). For examination purposes, the Examiner has assumed that the "mapping means" have been applied towards the questions. Clarification is required.

Claims 2-13 are dependent on claim 1; therefore, these claims are also rejected under 35 U.S.C. 112.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 - 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aycock et al. (Patent No. #5,765,138) in view of GuruNet's "Business Evaluation Statements" (herein referred to as GuruNet), further in view of Bladen et al. (Patent Application No. #US2002/0099586A1).

As per claim 1, Aycock et al. teaches a contractor certification (supplier evaluation) system comprising:

(a) survey means comprising a questionnaire (**RFP/RFQ**), which is provided to selected candidates (**suppliers that desire to be qualified as vendors**) within a contractor's business for gathering answers concerning information detailing business and financial practices (**design, production, distribution, serviceability, and reliability of the supplier's product or service**), said answers being used for assessing business (**service and support**) and financial practices (**price and availability**) of said contractor's practices by an independent third party (**the purchasing agent identifying the set of technical requirements that need to be met may be a contracting department of the buying entity, or an independent agent acting on behalf of the buying entity**) [Column 1, lines 55-56, Column 6, lines 1-9]

(d) on-location assessment (**on-site audit**) means for determining (**validating**) business practices at the contractor's operations, said assessment means comprising asking questions to each of said candidates selected through said mapping means (**the RFP/RFQ questions are directed towards a set of technical requirements that need to be met by prospective vendors and towards a set of selected quality maturity questions, thus the questions are based on a "mapping" of technical requirements; the questions are weighted corresponding to their relative sophistication or relevance to the project objective, thus the importance of the responses to the questions have been "mapped"**) and observing examples of the

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contractor's business practices and financial procedures **(the on-site audit includes validating the supplier responses to the RFP/RFQ, either by performing actual tests on hardware equipment or software systems, and/or reviewing the quality control procedures and processes at the supplier site)** [Column 1, lines 45-49, Column 3, lines 24-29, Column 6, lines 19-54, Column 7, lines 62-65, Column 8, lines 27-31, Column 12, lines 47-50];

(e) comparison means **(risk assessment)** for assessing business practices **(technical capabilities)**, and ranking the contractor in comparison with industry standards **{The supplier quality maturity assessment process is based upon national and international standards including ISO 9001/ISO 9000-3, which are industry standards for quality}** [Column 8, lines 58-63]; and

(f) reporting means **(product database)** for providing a grade indicative of said contractor's rank **(competitive analysis of all vendors to determine the respective performance)** [Column 9, lines 59-67 and Column 10, lines 1-17].

Ayock et al. teaches the use of a product database (which may include additional fields related to the technical or fiscal parameters of products) and product price and availability [Column 10, lines 12-13], but does not further explicitly disclose assessment means for determining the financial practices of a contractor's operations. However, GuruNet is directed to the analogous art of providing survey means for evaluating the business and financial practices of a company.

GuruNet teaches a set of assessment statements that can be used to evaluate the financial practices (**paying bills, collecting receivables, budget analysis, accounting systems, sources of capital, cost efficiency, minimization of costs, cash flow levels**) of a company [Retail Questions 72-74, 76-89, 127, Manufacturing Questions 57-68, 123, Wholesale Questions 67-83, 126, Service Questions 71-85, 98-100 and 138].

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Aycock et al. to include the evaluatory statements directed towards business and financial practices presented by GuruNet, because the resulting combination would enable a user to evaluate the business and financial practices of a potential contractor as a factor utilized by surety institutions in the surety underwriting process involving the analysis of financial, credit, and organizational capabilities of an organization, with substantial attention paid towards reviewing the contractor's business plan, history of operations, and evaluating the management of the company, especially since much emphasis is placed on financial strength and past performance of the contractor.

As per limitation (c), the combined teachings of Aycock et al. and GuruNet fail to teach a mapping means for studying answers provided to a questionnaire.

Bladen et al. teaches a risk assessment system where performance can be compared against an industry benchmark using trend analysis graphs of results. Aycock et al. and GuruNet are directed to the analogous art of providing survey means for evaluating the business and financial practices of a company. Bladen et al. is directed to the analogous art of assessing the risk of an organization based on an audit comprising a set of questions, criteria and/or other measurables; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Aycock et al. to include a mapping means since it is quite advantageous for these graphs to be used to compare the overall performance of a contractor to industry standards or competitors, or to map their individual strengths and weaknesses [Stage 2 of Paragraph 0461].

Aycock et al. does not explicitly disclose the job title/role or organizational hierarchical position of survey recipients. However, Official Notice is taken that it is old and well known in the art to administer surveys/questionnaires to people with sufficient knowledge and authority needed to provide accurate responses. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Aycock et al. to administer surveys/questionnaires to workers and management of the company being evaluated because the resulting combination would provide useful representative information from credible sources familiar with the inner workings of the organization.

As per claim 2, although not taught by Aycock et al., GuruNet teaches a contractor certification (**company evaluation**) system with a questionnaire (**list of statements**) composed of non-threatening (**objective**) questions. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Aycock et al. to include the questionnaire featuring non-threatening questions as taught by GuruNet to obtain an honest opinion regarding information necessary to conduct a proper analysis of a company's practices, as the surety underwriting process involves the analysis of financial, credit, and organizational capabilities of an organization, with substantial attention paid towards reviewing the contractor's business plan, history of operations, and evaluating the management of the company.

As per claim 3, although not taught by the combined teachings of Aycock et al. and GuruNet, Bladen et al. teaches a contractor certification (**risk assessment**) system where the mapping means (**graphs of results**) develops, within answers to questions, areas comprising clear matches, clear discrepancies and inadequate details for on location assessment. [Paragraph 0345]

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Aycock et al. and GuruNet to include a mapping means to compare the results of a contractor in a particular aspect or the response to a particular question from the questionnaire, since results from a questionnaire can be quantified and graphed, and the graphs may highlight strengths or

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weaknesses of a contractor in comparison to competitors or industry standards that may otherwise be overlooked.

As per claim 4, Aycock et al. teaches a contractor certification **(supplier evaluation)** system where the on-location **(on-site)** assessments **(evaluations)** comprise job site visits **(on-site audit)** [Column 3, line 36 and Column 8, lines 20-24].

As per claim 5, Aycock et al. teaches a contractor certification **(supplier evaluation)** system where the comparison means comprises an evaluation of the contractor's business practice data against one or more databases containing performance and risk factor data from similar contractors **(existing and historical vendor performance and on-site audit reports)**, stored by the contractor certification **(supplier evaluation)** system [Column 9, lines 38-57].

As per claim 6 and 11, the combined teachings of Aycock et al., GuruNet, and Bladen et al. are silent regarding the use of a special logo or insignia to represent the caliber of a contractor's work or the successful completion of the certification program. However, the concept of providing for a display that recognizes that a contractor's services exceed industry standards is well known and accepted as a prior art practice (for example, ISO certification). It is also prior art practice that contractors who receive recognition or certification would adapt it for use in promotion of their business, whether it be on stationary, the company website, or other mediums of advertising.

It has been established in the prior art that when a contractor **(or any firm)** subjects itself to assessment, evaluation, or certification, the firm will receive some sort of notification **(usually in written form)** regarding their performance. This notification will entail the findings of the assessment, evaluation, or certification, and can be used by surety institutions in underwriting loans to the contractor.

As per claim 7, the teachings of Aycock et al. fail to disclose the composition of the administered questionnaire. However, GuruNet teaches a series of business evaluation statements that comprises questions directed to organizational aspects with particular reference to management structure [Retail Questions 42,43,52-59,89], authority delegation [Retail Questions 44-45, Manufacturing Question 92, and Wholesale Questions 40-41], and decision-making practices [Retail Questions 49, Manufacturing Questions 31, and 37, Service Questions 39-40,]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Aycock et al. to include questions directed to management structure, authority delegation, and decision-making practices as taught by GuruNet to obtain an understanding of key organizational aspects that impact the daily operations of the company, making it possible to compare practices with the practices of other firms, and further because the surety underwriting process involves the analysis of financial, credit, and organizational capabilities of an organization, with substantial attention paid

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towards reviewing the contractor's business plan, history of operations, and evaluating the management of the company.

As per claim 8, the teachings of Aycock et al. fail to disclose the composition of the administered questionnaire. However, GuruNet teaches a series of business evaluation statements that comprises questions directed to managerial aspects with particular reference to marketing [Retail Questions 1-4 and 6-13, 114-117, 132, Manufacturing Questions 3,7,9-10,12, 112-114, Wholesale Questions 1-11, 13, 115-117, and Service Questions 2-8, 10-12, and 125-127].

Although GuruNet does not teach any questions regarding a company's bidding process and project execution practice, it has been established as prior art practice that these measures are vital components in defining a company's management practices and an evaluation of these practices would be needed to formulate a comprehensive assessment that can be used to compare the company with other companies.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Aycock et al. to include questions directed to marketing, bidding processes, and project execution practices as taught by GuruNet to obtain an understanding of key managerial aspects that impact the daily operations of the company, making it possible to compare practices with the practices of other firms, and further because the surety underwriting process involves the analysis of financial,

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credit, and organizational capabilities of an organization, with substantial attention paid towards reviewing the contractor's business plan, history of operations, and evaluating the management of the company.

As per claim 9, Aycock et al. teaches a contractor certification **(supplier evaluation)** system as recited by claim 5, where the database **(vendor database)** stored comprises a compilation of business and financial and risk data derived from contractors previously evaluated **(existing and historical vendor performance or on-site audit reports)** [Column 9, lines 38-57].

As per claim 10, Aycock et al. teaches a contractor certification **(supplier evaluation)** system as recited by claim 6, where the comparison report **(vendor performance report)** sets forth said contractor's business practices **(vendor performance and on-site audit reports)** with detail sufficient to assist surety institutions engaged in underwriting a contractor's credit line [Column 9, lines 38-57].

As per claim 12, neither Aycock et al., GuruNet, nor Bladen et al. explicitly teaches a contractor certification system as recited by claim 1, wherein said reporting means is provided to lending institutions for determining an amount of credit to extend to said contractor's business.

However, Official Notice is taken that it is an old and well-known fact that evaluations of a business (including financial and business practices) can be used for a plurality of applications, such as establishing insurance premiums or loans of credit. The surety underwriting process involves the analysis of financial, credit, and organizational capabilities of an organization, with substantial attention paid towards reviewing the contractor's business plan, history of operations, and evaluating the management of the company. Much emphasis is placed on financial strength and past performance of the contractor.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Aycock et al., GuruNet and Bladen et al. to include the step of providing an analytical report resulting from an administered survey to lending institutions because the contents of the analytical report contains information routinely used in the surety underwriting process when determining an amount to loan or insure the business for, and also because the attainment of certification would be representative of a company's overall operations, including financial, credit, organizational capabilities, business plan, history of operations, and management of the company.

As per claim 13, neither Aycock et al., GuruNet, nor Bladen et al. explicitly teaches a contractor certification system as recited by claim 1 that is repeated annually.

However, Official Notice is taken that it is an old and well-known fact that certifications are not indefinitely earned, but rather are distinctions of accomplishment over a specific period of time that become invalid and require renewal after a predetermined period of time. Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined teachings of Aycock et al., GuruNet and Bladen et al. to repeat the certification system on an annual basis in order to reflect up-to-date changes in evaluation standards that have been rendered obsolete over time, changes in regulations applicable to a company and/or the field of endeavor in which the company conducts business, changes in a business' performance and worth as indicated by financial and business practices, changes in management, or simply to resolve the status of a company's expiring certification.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PC

March 31, 2006

Peter Choi
Examiner
Art Unit 3623


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600